

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RALPH ZUMPANO, SR.,

Plaintiff,
v.

Case No. 05-C-116

G. LEBLANC CORPORATION,

Defendant.

OPINION AND ORDER

Plaintiff Ralph Zumpano, Sr., has filed a motion for default judgment against remaining Defendant G. LeBlanc Corporation. See Federal Rule of Civil Procedure 55. This motion follows the court's denial of the Defendant's motion for an extension of time to answer because they had not established good cause. See Federal Rule of Civil Procedure 6. Although the court continues to find that the Defendant has not established good cause, it will not grant default because the G. LeBlanc Corporation has established a meritorious defense and, most importantly, the Defendant has not been prejudiced by the delay. See generally, Kleckner v. Glover Trucking Corporation, 103 F.R.D. 553 (M.D. Pa. 1984) (discussing tension in standards between Federal Rules of Civil Procedure 6 and 55). Therefore, the court ORDERS that the Plaintiff's "Request to Enter Default" (filed May 23, 2005) IS DENIED.

IT IS FURTHER ORDERED that the proposed Answer filed on May 5, 2005, is deemed filed as of that date.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this 10th day of June, 2005.

s/Thomas J. Curran
THOMAS J. CURRAN
United States District Judge